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FM AMEMBASSY TEGUCIGALPA  
TO RUEHC/SECSTATE WASHDC PRIORITY 1624  
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY  
RHMFIUU/DIRJIATF SOUTH PRIORITY  
RHMFISS/CDR JTF-BRAVO PRIORITY  
RUEKJCS/JOINT STAFF WASHDC PRIORITY  
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHMFISS/COMSOC SOUTH PRIORITY  
RHEFDIA/DIA WASHINGTON DC PRIORITY  
RUEIDN/DNI WASHINGTON DC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUMIAAA/USOUTHCOM MIAMI FL PRIORITY

UNCLAS TEGUCIGALPA 000120

SENSITIVE  
SIPDIS

E.O. 12958: N/A  
TAGS: [PGOV](#) [KDEM](#) [KJUS](#) [MARR](#) [PREL](#) [HO](#)  
SUBJECT: CRIMINAL COURT DISMISSES CHARGES AGAINST MILITARY  
LEADERSHIP

REF: TEGUCIGALPA 16

1. (U) Summary: According to press reports, the President of the Honduran Supreme Court, Jorge Rivera, acting as a criminal court judge, dismissed the charges of abuse of authority and illegal expatriation lodged against the Honduran Armed Forces Joint Chiefs of Staff on January 6. The press reported that President Rivera found that the expatriation of President Jose Manuel "Mel" Zelaya avoided deaths that might have occurred if he had been detained in Honduras following execution of the arrest warrant against him issued by the Supreme Court. The Public Ministry, which prosecutes criminal cases, appealed the case to the Honduran Court of Appeals on January 30. Many local critics say that Rivera's direct links to the removal of President Zelaya in close collaboration with the military creates a huge conflict of interest and believe the Supreme Court President should have recused himself from the case. We also see little/no possibility that the appellate panel ruling will differ from Rivera's decision due to these Magistrates' own direct involvement in the coup of June 28. End Summary.

2. (U) The Public Ministry filed charges on January 6 of abuse of power and illegal expatriation against Chief of Defense Major General Romeo Orlando Vasquez Velasquez, Vice Chief of Defense Major General Venancio Cervantes Suazo, Inspector General of the Honduran Armed Forces Major General Carlos Antonio Cuellar Castillo, Air Force Commander Brigadier General Luis Javier Prince Suazo, Army Commander Brigadier General Miguel Angel Garcia Padget, and Navy Commander Contra Admiral Juan Pablo Rodriguez Rodriguez. They were accused of abusing their authority when on June 28 the Armed Forces executed the arrest warrant issued by the Supreme Court against President Jose Manuel "Mel" Zelaya by forcing him onto a plane and flying him to Costa Rica, rather than arresting him and allowing him to defend himself of the charges against him in a Honduran court of law (reftel). The press reported that, acting as a common criminal court judge, Supreme Court President Jorge Rivera cleared the defendants of all charges on the grounds that the military had received information that there would be violence if Zelaya were incarcerated in a Honduran detention facility to await trial and that no facility existed in Honduras secure enough to prevent his followers from freeing him. According to the press, Rivera found that the defendants' actions were therefore justified as a "state of necessity" in order to avoid violence.

13. (U) The accused did not attend the January 26 hearing at which the charges against them were dropped. According to press reports, Chief of Defense Major General Vazquez responded to the news of the acquittal by stating that he and his military colleagues did nothing wrong, but only fulfilled their mission of protecting the Honduran people. On January 30, the Public Ministry appealed the case to the Court of Appeals. Three members of the Supreme Court (other than Rivera) are now reviewing the case and will make a decision to accept or deny it.

14. (SBU) Comment: There was little doubt that the charges would be dismissed, considering that the case was heard by the President of the same Supreme Court that issued the arrest warrant for President Zelaya in the first place. We also see little/no possibility that the appellate panel ruling will differ from Rivera's decision due to the Court's own direct involvement in the coup of June 28.

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